

EXHIBIT “A”

FILED: KINGS COUNTY CLERK 07/01/2020 02:58 PM

INDEX NO. 511404/2020

NYSCEF DOC. NO. 1

RECEIVED NYSCEF: 07/01/2020

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----x Index No.:
 JANICE JOHNSON, : Date purchased:
 :
 : Plaintiff(s) designate(s)
 : Kings
 : County as the place of trial
Plaintiff, :
 : The basis of the venue is
 : Situs of the Accident
 -against- :
 :
 MACY'S, :
 :
 : Plaintiff resides at
 : 21 Sunnyside Court
 : Brooklyn, New York
Defendant. :

SUMMONS

-----x County of Kings
 To the above named Defendant(s)

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: *June 30*, 2020

Defendant Address:

Dominick W. Lavelle
 Attorney(s) for Plaintiff
 Office and Post Office Address
 100 Herricks Road, Suite 201
 Mineola, New York 11501

MACY'S
 7 West 7th Street
 Cincinnati, Ohio 45202

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422 Fulton Street Brooklyn, New York 11201 (the "Premises").

5. Upon information and belief, and at all times hereinafter mentioned, defendant was the operator of the Premises.

6. Upon information and belief, and at all times hereinafter mentioned, defendant controlled the Premises.

7. Upon information and belief, and at all times hereinafter mentioned, defendant maintained the Premises.

8. Upon information and belief, and at all times hereinafter mentioned, defendant was the managing agent of the Premises.

9. That at all times hereinafter mentioned, the defendant, their employees, servants and agents, operated, controlled, maintained and managed the premises, it being the duty of the defendant, their employees, servants and agents to keep said premises in a safe and habitable condition, to be so constructed, equipped, operated and maintained so as to provide reasonable and adequate protection to the lives, health and safety of all persons and tenants frequenting the Premises.

10. That on or about the 2nd day of December, 2019, plaintiff JANICE JOHNSON was lawfully upon said premises.

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11. That on or about the 2nd day of December, 2019, while plaintiff was inside the premises, she slipped and fell on a wet ceramic floor near the entrance of the premises. There was no warning sign of any sort.

12. Plaintiff JANICE JOHNSON was caused to sustain severe injuries as a result of defendant's negligence, recklessness and wanton disregard in allowing the area where she was injured to be in a dangerous and unsafe condition.

13. Plaintiff's accident was due solely to the negligence, carelessness, recklessness and wanton disregard of the defendant in failing to maintain, prevent and correct the obviously dangerous conditions in the Premises; in permitting the floor to remain in a hazardous, and defective condition for a long period of time prior to plaintiff's accident; in failing to properly notify plaintiff of the dangers; in failing to inspect and clean the defective area before the accident occurred, by failing to provide a caution sign; in failing to rope off the dangerous condition and in sum creating and perpetuating the dangerous conditions which existed for a significant period of time that in the exercise of reasonable care defendant knew or should have known of its existence and corrected it.

14. Defendant created the dangerous condition.

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15. Defendant had notice or knowledge of the dangerous condition.

16. Defendant by the exercise of due care and concern, should have had knowledge of the dangerous condition for a long time prior to this accident.

17. That by reason of the defendant's negligence, plaintiff has suffered serious injuries. The injuries are permanent and are the cause of great physical pain and mental anguish, present and future.


18. That the amount of damages alleged herein exceeds the jurisdictional limit of any other inferior court that would otherwise have jurisdiction over this matter.

WHEREFORE, the plaintiff, JANICE JOHNSON, demands judgment against defendant MACY'S for damages alleged herein in a sum that is both just and fair, the costs and disbursements of this action and such other and further relief this court deems just and proper.

Dated: Mineola, New York

Jan 30, 2020

Respectfully submitted,


Dominick W. Lavelle, Esq.
Attorney for Plaintiff
100 Herricks Road, Suite 201
Mineola, New York 11501
(516) 739-8111

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